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The addition of the two volumes of "Equitable Remedies," by John Norton Pomeroy, Jr., appears to be a business mistake. These volumes restate and amplify the doctrines laid down in the fourth volume of the "Equity Jurisprudence." The purchaser should not be compelled to buy the same thing twice. Either the two volumes of "Equitable Remedies" should have been published separately, or the treatment of equitable remedies contained in the fourth volume of the "Equity Jurisprudence" should have been omitted.

Despite the criticisms that have been ventured, the work remains, what it has been for twenty-five years, one of the few masterpieces of our legal literature.

H. T. L.

**CONDITIONAL AND FUTURE INTERESTS, AND ILLEGAL CONDITIONS AND RESTRAINTS IN ILLINOIS.** By Albert Martin Kales. Chicago: Callaghan and Company. 1905. pp. xlv, 753. 8vo.

The appearance of numerous and exhaustive digests and encyclopedias of general law has during the past few years driven the ordinary text-book from its place as a compendium of law or collection of decisions. It is rare, indeed, that a text-book can, like Wigmore's Evidence, compete on such lines with the encyclopedias. To this, perhaps, is due the fact that writers of text-books are turning more and more to highly specialized branches of the law and to microscopic analysis of legal principles and decisions. Kales' Future Interests is a striking example of a book of this type. The author has treated the law of future interests in Illinois from the standpoint of one who is fully as much interested in what the law should be as in the actual state of the law.

The avowed purpose of Professor Kales has been to educate the bar of Illinois to proper appreciation of Professor Gray's two works on the Rule against Perpetuities and Restraints on Alienation. Whether the book will have the hoped-for effect, to any great extent, may well be doubted. That it will be useful and used by the bar of Illinois seems, however, to be certain. The author has taken all the law of Illinois on future interests and subjected it to an exhaustive analysis, examining all the important decisions in detail and discussing many disputed or undecided questions of local law, the solution of which still lies with the Supreme Court of Illinois. As this is almost entirely new ground, and many of the questions discussed are of great importance, the discussions are exceedingly useful, particularly that concerning the extent of the landlord's right of entry on forfeiting a lease for breach of condition. See §§ 41-61. Another instance of valuable and interesting discussion appears in §§ 137-156, taking up the validity of shifting interests by deed in Illinois. In point of fact, Professor Kales' book is full of meat to the practicing lawyer, who will find many important questions skilfully briefed for use in argument.

The law of real property, however, demands, more than any other branch of the law, settled rules and decisions. It is generally more important to the lawyer who must pass in his opinion upon real estate titles that there shall be no disturbing questions concerning the title than that the law shall be a harmonious whole or that all decisions shall be correct. Professor Kales does not, perhaps, give this consideration sufficient weight. Repeatedly he argues that certain seemingly well-settled doctrines should be overthrown. The doctrine of *Gebhardt v. Reeves* (75 Ill. 301) is a case in point. It is doubtful if any Illinois lawyer would hesitate to advise a client that on the vacation of an accurate statutory dedication, the fee reverts to the dedicator or his heirs. The Supreme Court has always assumed this to be the law. See *Village of Hyde Park v. Borden*, 94 Ill. 26. In fact, the great number of decisions in which the Supreme Court has evaded the rule of *Gebhardt v. Reeves* all by implication admit that it is settled law. Under these circumstances it seems waste labor for Professor Kales to attack the doctrine, and although the argument is interesting enough from an academic standpoint, its usefulness may well be doubted. See §§ 4-10.

Another discussion which is also of a doubtful value is the attack on the case of *Pollock v. Maison* (41 Ill. 516). As a practical question, this case is good

law. Were it overruled and the mortgagee whose claim is barred allowed to maintain ejectment, as contended for by Professor Kales, there can be little doubt that the legislature would not long allow Section 11 of the Illinois Statute of Limitations to be thus nullified.

Except, however, this possible leaning toward useless discussion of settled questions, the book offers little room for adverse criticism. Occasionally inconsistencies may be pointed out; for example, in § 2 A it is stated in the text that entry is necessary before action on breach of condition subsequent, while § 30 A, which is referred to in the note, lays down an exactly opposite rule. So, too, in certain instances distinctions are made which would be difficult to apply as practical working rules. Such are the distinctions taken in § 260 as to what is necessary to make a purchaser *dominus* of the property. As a whole, however, the book is thoughtful, scholarly, and accurate. As the ground which it covers is entirely new, it is remarkable that in general it should present so few points of attack. It has further the added advantage of notes which contain a full collection of all the Illinois decisions on the points involved. This alone would be sufficient to give it great practical value to every Illinois lawyer, while the analysis of the decisions in the text raise its usefulness far above that of even the most complete digest.

R. M.

A MANUAL RELATING TO SPECIAL VERDICTS AND SPECIAL FINDINGS BY JURIES. By George B. Clementson. St. Paul, Minn.: West Publishing Co. 1905. pp. lxi, 35. 8vo.

"At no period in its history has the petit jury been noted for modesty or diffidence, when not liable to be called to account"; and at this date, when the attain — that ancient instrument for effectually concentrating the minds of the jurors upon the facts of the case rather than upon the respective conditions of the parties — is no more, the practicing lawyer, especially if he appear for defendants in damage suits, must welcome any manual that clearly defines his privileges with respect to the only means of controlling the sympathy or prejudice of juries, namely, Special Interrogatories and the Special Verdict.

Such a manual Mr. Clementson has produced. After a delightful historical introduction, founded in part upon the treatise by the late Professor Thayer, comes a discussion of Special Interrogatories. The cases in which they may be submitted, their preparation, form, and requisites, are intelligently set forth, followed by an exposition of the effect of the responses of the jury. The rights of the respective parties and the prerogatives of the court at the various stages of the trial are fully explained; and for almost no proposition is one required to accept the *ipse dixit* of the author, the citation of authorities being commendably complete. The same plan is adopted in the treatment of Special Verdicts. A chapter on Special Verdicts in Criminal Cases completes the work. An appendix with a summary of all the present statutes on the subject, a good index, and a table of cases cited, make the volume convenient for ready reference.

Although the plan of the work is well conceived, the execution is somewhat faulty. For example, the different subdivisions overlap so that in many instances the same legal proposition is adduced and the same cases are cited under several different topics, with the result that one feels that the work might have been accomplished in shorter compass. The book professes to be only a manual, and the subject is not one which lends itself readily to philosophical treatment. It is perhaps for these reasons that the author has contented himself with presenting the law as it exists, in a treatise which he calls "a collection of fragments," and refrained from advancing his own theories. The statutes and decisions, however, differ so materially in many important respects that some well reasoned scheme for future legislation might opportunely have been suggested. Yet, though to the student these faults seem serious, to the practitioner they are slight; and it is for the benefit of the latter that the manual is published.

E. M. M.